IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 2883 OF 1991

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge?

==========

GUJARAT STATE CO-OPERATIVE HOUSING FINANCE CORPORATION LTD. - Petitioner(s)

Versus

MAHESHBHAI JAYANTILAL PATEL & ORS. - Respondent(s)

==========

Appearance :

MR. KEYUR GANDHI for MR. U.R. GANDHI for Petitioner(s).
MR. B.S. MISHRA for Respondent(s) : 1 - 9, 41,
None for Respondent(s) : 10 - 40,42 - 72,77 - 78.

==========

CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 17/06/2006

ORAL JUDGMENT

1. By way of this petition under Article 226 of the Constitution of India, the petitioner – Gujarat State Cooperative Housing Finance Corporation Ltd. has

challenged the legality and validity of the order passed by the Gujarat State Cooperative Tribunal dated 21st December, 1990 passed in Revision Application No.187 of 1990.

2. It appears from the record that in Lavad Case No.2850 of 1990 before the learned Board of Nominees, Ahmedabad, an application was submitted by the petitioner for interim order and the learned Board of Nominee granted interim relief, which came to be challenged by respondents, original defendants, before the Gujarat State Cooperative Tribunal, being Revision Application No.187 of 1990, and the Gujarat State Cooperative Tribunal, by its judgement and order dated 21st December, 1990, allowed the said Revision application and quashed and set aside the temporary interim order granted by the learned Board of Nominee and further directed the learned Board of Nominees to decide the application for interim relief afresh in accordance with law and on merits. Being aggrieved by and dissatisfied with the same, the petitioner has preferred the present Special Civil Application under Article 226 of the Constitution of India.

3. It is required to be noted that the present Special Civil Application is of the year 1991; there was no stay order granted by this Court while admitting the petition; the Lavad Suit, being of the year 1990, must have been finally disposed of and/or at least the interim application must have been disposed of pursuant to the order passed by the Gujarat State Cooperative Tribunal. Be that as it may. Without entering into the merits of the case, the present Special Civil Application is disposed of by directing the learned Board of Nominees to decide and dispose of Lavad Case No.2850 of 1990, if not decided so far, as early as possible, preferably within a period of six months from the date of receipt of this order. With this direction, the present petition is disposed of. Rule is discharged. No costs.

[M. R. Shah, J.]

*kamlesh**